REMARKS

The Office Action set forth a restriction requirement between the following claim groups:

Group I: Claims 1-10 and 16-18; and

Group II: Claims 11-12, 15, and 19-21.

To comply with the PTO's requirement of an election, Applicant hereby elects the Group II (claims 11-12, 15, and 19-21). This election is made with traverse. In short, Applicant submits that the Office Action has not demonstrated why examination of all pending claims would result in an undue burden on the Examiner, particularly in view of the fact that a complete search (pursuant to MPEP 904.02 et seq.) and substantive examination have already been performed. Further, none of the non-elected claims were amended in Applicant's last response. Therefore, the non-elected claims (in their current form) have already been searched and examined. Consequently, Applicant believes that the examination of all pending claims can continue without imposing any undue burden on the Examiner.

MPEP 808.02 imposes a burden on the Examiner to justify the election, and states:

> Where the inventions as claimed are shown to be independent or distinct under the criteria of MPEP § 806.05(c) - § 806.06, the examiner, in order to establish reasons for insisting upon restriction, must explain why there would be a serious burden on the examiner if restriction is not required. Thus the examiner must show by appropriate explanation one of the following:
>
> (A) Separate classification thereof: This shows that each invention has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search. Patents need not be cited to

show separate classification.

(B) A separate status in the art when they are classifiable together: Even though they are classified together, each invention can be shown to have formed a separate subject for inventive effort when the examiner can show a recognition of separate inventive effort by inventors. Separate status in the art may be shown by citing patents which are evidence of such separate status, and also of a separate field of search.

(C) A different field of search: Where it is necessary to search for one of the inventions in a manner that is not likely to result in finding art pertinent to the other invention(s) (e.g., searching different classes/subclasses or electronic resources, or employing different search queries, a different field of search is shown, even though the two are classified together. The indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims. Patents need not be cited to show different fields of search.

Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among independent or related inventions.

Simply stated, the Office Action has not adequately explained why the examination of all claims would impose an undue burden on the examiner. In this regard, merely separating claims on the basis that some are method claims and some are apparatus claims doesn't necessarily equate to an undue burden in their examination.

Again, in view of the fact that all non-elected claims have been previously searched and examined, Applicant believes that the prosecution should continue on all pending claims.

Applicant respectfully submits that the foregoing is fully responsive to the restriction requirement and that all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner

is encouraged to telephone the undersigned. Should the Examiner believe that a teleconference would be helpful to expedite the examination of this application, the Examiner is invited to contact the undersigned.

No fee is believed to be due in connection with this submission. If, however, any additional fee is deemed to be payable, you are hereby authorized to charge any such fee to Deposit Account No. 20-0778.

Respectfully submitted,

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By: _____

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